



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wei *et al.*

Appl. No. 09/826,212

Filed: April 5, 2001

**For: Tumor Necrosis Factor  
Receptor 5**

Confirmation No. 3523

Art Unit: 1646

Examiner: O'Hara, Eileen B.

Atty. Docket: 1488.1280006/EKS/GLL/SJE

## Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences - Large Entity

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final decision of the Examiner dated **March 11, 2003**, in which claims **176-190 and 210-220** were finally or twice rejected.

The fee (for a large entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our PTO-2038 Credit Card Payment Form. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Gray L. Hingsworth

Gaby L. Longworth, Ph.D.  
Agent for Applicants  
Registration No. 47,756

Date: June 11, 2003  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

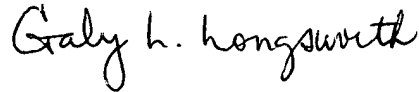
RECEIVED  
JUN 13 2003  
TECH CENTER 1600/2900

Commissioner for Patents  
June 11, 2003  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Gaby L. Longsworth, Ph.D.  
Agent for Applicants  
Registration No. 47,756

EKS/GLL/SJE:kim  
Enclosures

SKGF\_DC1:143892.1



# Sterne Kessler Goldstein Fox

ATTORNEYS AT LAW

Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Lawrence B. Bugaisky  
Donald J. Featherstone  
Michael V. Messinger

Judith U. Kim  
Timothy J. Shea, Jr.  
Patrick E. Garrett  
Heidi L. Kraus  
Edward W. Yee  
Albert L. Ferro\*  
Donald R. Banowitz  
Peter A. Jackman  
Molly A. McCall  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Albert J. Fasulo II\*  
Eldora Ellison Floyd  
Thomas C. Fiala  
Brian J. Del Buono  
Virgil Lee Beason\*

Kimberly N. Reddick  
Theodore A. Wood  
Elizabeth J. Haanes  
Bruce E. Chalker  
Joseph S. Ostroff  
Frank R. Cottingham  
Christine M. Lhulier  
Rae Lynn Prengaman  
Jane Shershenovich\*  
Lawrence J. Carroll\*  
George S. Bardmesser  
Daniel A. Klein\*  
Rodney G. Maze  
Jason D. Eisenberg  
Michael D. Specht  
Andrea J. Kamagie  
Tracy L. Muller  
Jon E. Wright\*

LuAnne M. Yuricek\*  
John J. Figueroa  
Ann E. Summerfield

## Registered Patent Agents\*

Karen R. Markowicz  
Nancy J. Leith  
Helene C. Carlson  
Gaby L. Longworth  
Matthew J. Dowd  
Aaron L. Schwartz  
Angelique G. Uy  
Mary B. Tung  
Katrina Y. Pei  
Bryan L. Skelton  
Robert A. Schwartzman  
Timothy A. Doyle  
Jennifer R. Mahalingappa

Teresa A. Colella  
Jeffrey S. Lundgren  
Victoria S. Ruthert  
Eric D. Hayes

Of Counsel  
Kenneth C. Bass II  
Lisa A. Dunner  
Evan R. Smith

\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practice Limited to  
Federal Agencies

AP



June 11, 2003

WRITER'S DIRECT NUMBER:

(202) 772-8824

INTERNET ADDRESS:

GLONGS@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Mail Stop AF

RECEIVED

JUN 13 2003

TECH CENTER 1600/2900

Re: U.S. Utility Patent Application  
Appl. No. 09/826,212; Filed: April 5, 2001  
For: **Tumor Necrosis Factor Receptor 5**  
Inventors: Wei *et al.*  
Our Ref: 1488.1280006/EKS/GLL/SJE  
Art Unit: 1646

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (PTO/SB/17);
2. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences - Large Entity;
3. Credit Card Payment Form (PTO-2038) in the amount of \$320.00 to cover the Notice of Appeal fee; and
4. One (1) return postcard.

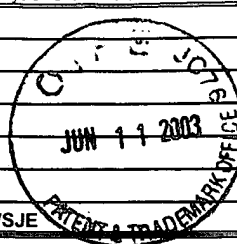
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

**FEE TRANSMITTAL**  
**for FY 2003**

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/826,212
Filing Date	April 5, 2001
First Named Inventor	Ying-Fei WEI
Examiner Name	O'Hara, Eileen B.
Art Unit	1646
Attorney Docket No.	1488.1280006/EKS/GLL/SJE

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 320.00**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None

\*\* Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

☐ Deposit Account  
Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.

**The Commissioner is authorized to: (check all that apply)**☐ Charge fee(s) indicated below ☐ Credit any over payments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** -0-**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra	Fee from below	Fee Paid
Total Claims - 20** =	X		
Indep. Claims - 3** =	X		
Multiple Dependent			

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	84	42	Independent claims in excess of 3
1203	2203	280	140	Multiple dependent claim, if not paid
1204	2204	84	42	**Reissue independent claims over original patent
1205	2205	18	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** -0-

\*\*or number previously paid, if greater; For Reissue, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examination action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	\$320.00
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 320.00**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)

Gaby L. Longworth

Registration No.  
(Attorney/Agent)

47,756

Telephone

202-371-2600

Signature

Gaby L. Longworth

Date

June 11, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

SKGF\_DC1:143890.1